

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONAL AUDIO, LLC

卷之三

V.

LOTZI DIGITAL, INC. and A
PARNERSHIP CONSISTING OF ADAM
CAROLLA, DONNY MISRAJE, KATHEE
SCHNEIDER-MISRAJE, SANDY GANZ
AND DOES 1-10, INCLUSIVE dba "ACE
BROADCASTING" and/or "CAROLLA
DIGITAL"

Case No. 2:13-CV-14-JRG-RSP

ORDER

Currently before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 3, 2014 (Dkt. No. 41) regarding Plaintiff Personal Audio’s Motion to Dismiss Defendant Lotzi Digital, Inc.’s (“LDI”) affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 14, filed August 5, 2013, referred to herein as the “Motion”). No objections having been filed and for the reasons set forth in the Court’s Report and Recommendation, the Recommendation is adopted. Accordingly,

IT IS ORDERED that Personal Audio's Motion to Dismiss Defendant LDI's affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 14) is **DENIED**.

So Ordered and Signed on this

Mar 31, 2014

Rodney Gilstrap
RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE